

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

NEWBURY OPERATING LLC,

Alleged Debtor.

Chapter 7

Case No. 20–12976 (JLG)

**ORDER GRANTING EX PARTE MOTION TO
SHORTEN NOTICE PERIOD AND SCHEDULE EXPEDITED HEARING
ON MOTION FOR APPOINTMENT OF INTERIM CHAPTER 7 TRUSTEE**

Upon the *ex parte* motion, pursuant to 11 U.S.C. § 105(a), Rules 9006(c) and 9007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 9006-1(b) of the Local Rules of Bankruptcy Procedure for the Southern District of New York (the “**Local Rules**”), of petitioning creditor 250 E. 87 Owners Corp. to shorten notice period and schedule expedited hearing on motion for appointment of interim chapter 7 trustee [Doc. No. •] (the “**Motion**”);¹ and upon the declaration of Sanford P. Rosen dated January 8, 2021, annexed to the Motion as *Exhibit B* and submitted pursuant to Local Rule 9077-1; and the Court having jurisdiction to consider and determine the Motion as a core proceeding in accordance with 28 U.S.C. §§ 157 and 1334; and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that no notice of the relief requested in the Motion need be provided; and the Court having determined that the relief requested in the Motion is in the best interest of the estate, creditors, and all parties in interest and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED, that the Motion is granted, as set forth herein; and it is further

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

ORDERED, that the otherwise applicable notice period is hereby shortened under Bankruptcy Rule 9006(c)(1), as set forth herein; and it is further

ORDERED, that the hearing to consider the Trustee Motion shall be held on **January 14, 2021 at 2:00 p.m. (prevailing Eastern Time)** before the Honorable James L. Garrity Jr., United States Bankruptcy Judge of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, Courtroom 601, New York, New York 10004; and it is further

ORDERED, that the petitioning creditor shall cause notice of the hearing to consider the Trustee Motion to be provided by causing a copy of this Order and the Trustee Motion to be served on the alleged debtor **and the United States Trustee [JLG]** via ~~hand delivery~~, [JLG] e-mail, fax, ~~or~~ **and [JLG]** overnight mail (**weekend delivery**) on **January 8, 2021 by 8:00 p.m. within one day of entry of this Order [JLG]**; and it is further

ORDERED, that the service of the Trustee Motion and this Order as provided herein shall be deemed sufficient notice of the Trustee Motion; and it is further

ORDERED, that responses or objections to the relief requested by the Trustee Motion must be in writing, and shall be filed with the Court (**with two single-sided copies mailed to Chambers**) [JLG] and served on the petitioning creditor **and the United States Trustee [JLG]** so as to be actually received no later than **January 12, 2021 at 2:00 p.m. (prevailing Eastern Time)**; and it is further

ORDERED, that a reply, if any, must be in writing, and shall be filed with the Court (**with two single-sided copies mailed to Chambers**) and served on the alleged debtor **and the United States Trustee** so as to be actually received no later than **January 13, 2021 at 2:00 p.m. (prevailing Eastern Time)**; and it is further [JLG]

ORDERED, that the Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: New York, New York
January 8, 2021

/s/ James L. Garrity, Jr.
UNITED STATES BANKRUPTCY JUDGE